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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,253	03/13/2000	Joseph G. Gatto	56351.000009	7026

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EXAMINER

SUBRAMANIAN, NARAYANSWAMY

ART UNIT PAPER NUMBER

3624

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/524,253

Applicant(s)

GATTO, JOSEPH G.

Examiner

Narayanswamy Subramanian

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,8,11-12
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This office action is in response to applicant's communication filed on May 11, 2000. Cancellation of claims 27-63 by the Applicant is acknowledged. Claims 1-26 are pending in the application and have been examined. The rejections are stated below.

Drawings

2. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

Double Patenting

3. The non-statutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper time-wise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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4. Claims 1-26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2, 3-11 of Gatto (U.S. Patent 6,510,419). Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite the means or steps that are substantially the same and that would have been obvious to one of ordinary skill in the art.

Claim 1 recites essentially the means that are listed in claim 2 of Gatto. The means to enable users to view data includes a user interface and the steps “wherein at least some of the plurality of sources comprise one or more security analysts and the predictions comprise security analysts' earnings estimates” only clarify the limitations present in both the claims. These steps do not add any further limitations to the ones cited in claim 2 of Gatto.

With regard to claims 2-4 it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the steps wherein the time series for each analyst graphically depicts an initial estimate made by that analyst for the predetermined earnings event, any revisions to the initial estimate and when such revisions, if any, were made; wherein the historical view module enables a user to view simultaneously, for one or more selected analysts, a time series of earnings estimates for each analyst selected including graphically depicting an initial estimate made by that analyst for the predetermined earnings event, any revisions to the initial estimate and when such revisions, if any, were made, for a predetermined period, for a predetermined earnings event, and the actual reported earnings for the predetermined earnings event to the invention of Gatto. These steps help the user follow the estimates made by an analyst over a period of time and make an informed decision in choosing an analyst from a plurality of analysts.

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Claim 5 is nearly identical to claim 3 in Gatto.

Claim 6 is nearly identical to claim 4 in Gatto.

Claim 7 is nearly identical to claim 5 in Gatto.

With regard to claims 8-11, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the steps wherein the historical view enables a user to view simultaneously, for one or more selected sources, a time series of earnings estimates for each source selected, for a predetermined period, for a predetermined earnings event, wherein the time series comprises a plurality of nodes, data points or data markers, the selection of which causes a display of data associated with that node, data point or data marker, including one or more of the source and the value of the estimate corresponding to that node, data point or data marker and further comprising a display box for displaying a list of sources for which historical data is stored for that security and an indicator of whether the source is selected for display, the sources comprising one or more security analysts, and derived time series information including one or more of a high estimate, a low estimate, a mean estimate, and a predetermined number of standard deviations away from the mean, wherein a time discontinuity in a prediction is graphically displayed as a gray line. These steps give the user the option to choose the source, the time period and the type of display and thereby help in analyzing and choosing an analyst. Graphical displays bring clarity to the presentation and help the user understand the data better.

Claim 12 is nearly identical to claim 6 in Gatto.

With regard to claims 13-15, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the steps further comprising means for enabling a user to view historical data as of a user selected date, and further comprising a simultaneous

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display of summary estimate data, including data derived from a distribution of estimates and enhanced composite estimate, as of that date and a means to select it graphically by dragging a vertical line to the date desired. These steps help the user visualize the composite and individual estimates for a given date and compare them with the actual value.

Claim 16 is nearly identical to claim 7 in Gatto.

With regard to claim 17 it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the steps wherein a historical view module enables a user to view simultaneously, for one or more selected analysts, a time series of earnings estimates for each analyst selected, for a predetermined period, for a predetermined earnings event, the actual reported earnings for the predetermined earnings event, and the summary for the "As Of Date.". These steps help the user to compare performance of one or more analysts for periods of time selected by the user.

Claim 18 is nearly identical to claim 8 in Gatto.

Claim 19 is nearly identical to claim 9 in Gatto.

Claim 20 is nearly identical to claim 10 in Gatto.

Claim 21 is nearly identical to claim 11 in Gatto.

With regard to claims 22-26, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the steps wherein a value view of the stock is selectively rendered with the estimate view using zooming or panning features individually on the value view or estimate view; wherein selecting a security analyst highlights a line correlated to the selected analyst in the time series earnings view; further comprising a performance module means for determining a plurality of metrics including one or more of a raw error metric, a

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relative error metric, a bias error metric, and a user-defined error metric. These steps offer the user the option of choosing a statistic that is best for the situation and also gives the user the option of choosing the display that enhances his/her understanding of the statistic being analyzed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian
August 27, 2003

Richard Weisberger
Primary Examiner